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10/044,058	01/10/2002	Wayne T. Heverly	6911-3	6554

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EXAMINER

BOCHNA, DAVID

ART UNIT PAPER NUMBER

3679

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

Application No.

10/044,058

Applicant(s)

HEVERLY, WAYNE T.

Examiner

David E. Bochna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-15 and 18-24 is/are rejected.
- 7) ☒ Claim(s) 16 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.



## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-5 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese patent 60,185,596.

In regard to claim 1, Japanese patent 60,185,596 discloses, in combination, a water-handling household cleaning appliance having at least one internal component 6, the at least one internal component having at least one male fitting 6a thereon; and

a tube 16 having two ends, at least one of the ends having a tubular quick connect fitting thereon (see portion of 16 shown in fig. 5), the interior of the quick connect fitting retainingly and releasably engaging the at least one male fitting exterior 6a.

In regard to claim 3, the tube 16 is a drain tube.

In regard to claim 4, the tube 16 is corrugated.

In regard to claim 5, Japanese patent 60,185,596 discloses a quick connect assembly for use in household cleaning appliances, comprising:

A quick connect fitting having a tubular quick connect retainer sleeve 1; and a quick connect retainer fitting within and being integrated into the tubular sleeve,



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The quick connect fitting being adapted to be removably attached to a fitting a in the household cleaning appliance A.

In regard to claim 6, the fitting 1 is fabricated from plastic.

In regard to claim 7, Japanese patent 60,185,596 discloses a quick connect assembly comprising a length of corrugated tubing 16;

A tubular quick connect retainer sleeve (part of 16 shown in fig. 5) integral to the corrugated tubing 16; and

A tubular quick connect retainer fitting 6a within and being integrated into the sleeve (16 in fig. 5).

In regard to claim 8, the quick connect retainer sleeve (16 in fig. 5) is monolithic with the corrugated tubing 16.

In regard to claim 9, the quick connect assembly 16 is adapted to be removably attached to the fitting 6a.

3. Claims 12-15 and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikumori et al.

In regard to claim 12, Kikumori et al. discloses a corrugated tubing assembly comprising:

A length of flexible corrugated tubing 4;

A tubular quick connect sleeve 11 monolithic with one end of the corrugated tubing 4;

And

A tubular quick connect retainer 24 fitting within and being attached to the interior of the quick connect sleeve 11, the quick connect retainer having a plurality of inwardly extending



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resilient fingers 26, the resilient fingers being adapted to retainingly and releasably engage a male fitting 1.

In regard to claim 13, further comprising an elastomeric sealing ring 27 adapted to sealingly engage the male fitting 1.

In regard to claim 14, the quick connect sleeve has a stepped circular interior comprising: a quick connect retainer portion 12 having a first inner diameter; a seal portion 11 having a second diameter, the second diameter being smaller than the first diameter, and a seal retaining portion (stepped down section between 11 and 6) having a third diameter, the third diameter being smaller than the second diameter, the seal portion 11 being between the quick connect retainer portion and the seal retaining portion, the seal retainer portion being monolithic with the length of corrugated tubing, the quick connect retainer engaging the quick connect retainer portion of the stepped circular interior.

In regard to claim 15, the elastomeric sealing ring 27 fits radially within the inside diameter of the seal portion of the stepped circular interior and fits axially against a shoulder formed between the seal portion of the stepped circular interior and the seal retaining portion of the stepped circular interior.

In regard to claim 20, Kikumori et al. discloses a length of tubing 4, at least a portion of the tubing including an end of the tubing, being formed from a thermoplastic elastomer;

a quick connect sleeve 11 monolithic with the end of the length of tubing formed of thermoplastic elastomer; and

a quick connect retainer 24 integrated into the quick connect retainer sleeve.

In regard to claim 21, the quick connect retainer comprises: an outwardly extending



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flange 22, an inwardly extending flange 25; and an intermediate wall portion 23 connecting the outwardly extending flange with the inwardly extending flange.

In regard to claim 22, the quick connect retainer includes a plurality of inwardly extending resilient fingers 26, the resilient fingers being adapted to retainingly and releasably engage a male fitting 1.

4. Claims 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Cipolla.

In regard to claim 18, Cipolla discloses a method of removably attaching tubing 74 to water-handling household cleaning appliances (vacuums that vacuum water are water-handling household cleaning appliances), the household cleaning appliance having at least one male fitting 10, the method comprising the step of;

providing a quick connect assembly 70, 30 integral with a length of tubing 74, the quick connect assembly comprising: a tubular quick connect retainer sleeve 70; and a tubular quick connect retainer 30 fitting within and being integral with the tubular sleeve 70; and

retainingly and removably attaching the quick connect assembly 70, 30 to the fitting 10.

In regard to claim 19, the quick connect retainer includes a plurality of radially spaced apart flexible fingers 52, 54 and the step of retaining and removably attaching the quick connect assembly includes flexing the plurality of flexible fingers 52, 54 with a radially outwardly extending flange 24 on the at least one fitting 10.

5. Claims 23-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Wood et al.

In regard to claim 23, Wood et al. discloses, in combination, a water-handling household cleaning appliance (vacuums, specifically wet-vacs are designed to handle water when cleaning)



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having at least one internal component, the at least one internal component having at least one male fitting 23A thereon; and

A tube 20A having at least a portion formed of thermoplastic elastomer, at least one end (from 39A to 37A) of the tube 20A being formed of the thermoplastic elastomer, the at least one end of the tube being formed of the thermoplastic elastomer having a quick connect fitting 29A thereon, the quick connect fitting retainingly and releasably engaging the at least one male fitting 23A, the tubing 30A adjacent the quick connect retainer sleeve having a smaller diameter than the quick connect retainer sleeve (39A to 37A), the tubing smaller diameter portion sealingly engaging the at least one male fitting (at 45A).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese patent 60,185,596. Japanese patent 60,185,596 discloses the combination as described above, but does not disclose a plurality of components and tubes. However, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the combination Japanese patent 60,185,596 to include a plurality of components and tubes because duplicating the components of a prior art device is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).



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8. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese patent 60,185,596. Japanese patent 60,185,596 discloses a quick connect assembly as described above, but does not specifically disclose that it is made of plastic. However, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to make the assembly out of plastic because the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

*Allowable Subject Matter*

9. Claim 11 is allowed.

10. Claims 16-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

11. Applicant's arguments with respect to claims 1-10, 12-15, 18-24 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after



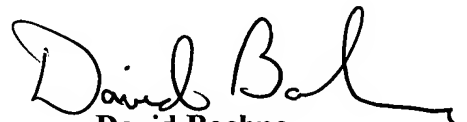
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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

  
**David Bochna**  
**Primary Examiner**  
**Art Unit 3679**  
**January 26, 2004**